

James Isbester (State Bar No. 129820)
G. Ross Allen (State Bar No. 262968)
KILPATRICK TOWNSEND & STOCKTON LLP
1080 Marsh Road
Menlo Park, CA 94025
Telephone: (650) 326-2400
Facsimile: (650) 326-2422
Email: grallen@kilpatricktownsend.com

Michael D. Switzer (*Pro Hac Vice*)
Brian C. Bianco (*Pro Hac Vice*)
Alissa R. Misun (*Pro Hac Vice*)
Peter G. Hawkins (*Pro Hac Vice*)
ULMER & BERNE LLP
500 West Madison Street
Suite 3600
Chicago, IL 60661-4587
Telephone: (312) 658-6500
Facsimile: (312) 658-6501
Email: mswitzer@ulmer.com
Email: bbianco@ulmer.com
Email: amisun@ulmer.com
Email: phawkins@ulmer.com

*Attorneys for Defendant
Renesas Electronics America Inc.*

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

GRAIL SEMICONDUCTOR,

Plaintiff,

v.

RENESAS ELECTRONICS AMERICA INC.,

Defendant.

Case No. 3:11-CV-03847-JCS

Magistrate Judge Joseph C. Spero

**HAWKINS DECLARATION IN
SUPPORT OF DEFENDANT
RENESAS ELECTRONICS AMERICA
INC.'S MOTION FOR
ADMINISTRATIVE RELIEF TO FILE
A SUPPLEMENTAL REPLY BRIEF IN
SUPPORT OF ITS MOTION TO
DISMISS PURSUANT TO LOCAL
RULE 7-11**

1 I, Peter G. Hawkins, hereby declare as follows:

2 1. I am an attorney admitted to practice in the State of Illinois, and I have been
3 admitted to practice in the Northern District of California on a *pro hac vice* basis, representing
4 Defendant Renesas Electronics America Inc. ("REA"). I have personal knowledge of the material
5 facts stated herein, and I submit this Declaration in support of REA's 's Motion for
6 Administrative Relief to File a Supplemental Reply Brief in Support of its Motion to Dismiss
7 ("REA's Motion for Admin Relief"). If called to testify, I could and would testify to the facts as
8 set forth herein.

9 2. On July 11, 2012 counsel for REA contacted counsel for Plaintiff Grail
10 Semiconductor ("Grail") and inquired as to whether counsel for Grail would stipulate to REA's
11 Motion for Admin Relief.

12 3. On July 12, 2012 counsel for Grail contacted counsel for REA and indicated they
13 would oppose REA's Motion for Admin Relief.

14 4. Exhibit A to REA's Motion for Admin Relief is a true and correct copy of July
15 11th, 2012 and Jul 12th, 2012 email correspondence between A. Pohlman of Ulmer & Berne LLP
16 and G. Opatken of Niro, Haller & Niro, Ltd.

17 5. Exhibit B to REA's Motion for Admin Relief is a true and correct copy of REA's
18 Supplemental Reply Brief in Support of its Motion to Dismiss ("Supplemental Reply"), portions
19 of which in accordance with Local Rules 7-11 and 79-5, has been lodged with the Court under
20 Administration Motion for the Courts permission to file under seal.

21 6. Exhibit C to REA's Motion for Admin Relief is a true and correct copy of a
22 timeline outlining Grail's delay of the Court-ordered limited discovery period. This document is
23 prepared from correspondence and other documents exchanged between counsel for REA and
24 counsel for Grail. REA is ready, willing, and able to produce the documents underlying this
25 exhibit at the Court's request.

26 7. Exhibit D to REA's Motion for Admin Relief is a true and correct copy of
27 correspondence dated March 30, 2012 exchanged between C. Lee of Niro, Haller & Niro and

1 Michael Switzer of Ulmer & Berne LLP.

2 8. Exhibit 1 to REA's Motion for Admin Relief is also Exhibit 1 to REA's
3 Supplemental Reply and was designated as Highly Confidential – Attorney's Eyes Only and
4 therefore in accordance with Local Rules 7-11 and 79-5, has been lodged with the Court under
5 Administration Motion for the Courts permission to file under seal.

6 9. Exhibit 2 to REA's Motion for Admin Relief is also Exhibit 2 to REA's
7 Supplemental Reply and is also Exhibit 59 to the July 10th, 2012 Deposition of Donald Stern and
8 is a true and correct copy of the complaint, with exhibits, in the litigation titled *Donald S. Stern v.*
9 *TEC Software Telecom (Israel), et al.*, Case No. Cv-98-21262 (RM-PVT), filed December 22nd,
10 1998 in the United States District Court for the Northern District of California.

11 10. Exhibit 3 to REA's Motion for Admin Relief is also Exhibit 3 to REA's
12 Supplemental Reply and was designated as Confidential and therefore in accordance with Local
13 Rules 7-11 and 79-5, has been lodged with the Court under Administration Motion for the Courts
14 permission to file under seal.

15 11. Exhibit 4 to REA's Motion for Admin Relief is also Exhibit 4 to REA's
16 Supplemental Reply and is a true and correct copy of a report from the Israeli Ministry of Justice
17 website detailing information regarding the Israeli company, Powergate Ltd.

18 12. Exhibit 5 to REA's Motion for Admin Relief is also Exhibit 5 to REA's
19 Supplemental Reply and is a true and correct copy of excerpts of the March 1st, 2012 Deposition
20 of Robert Stern.

21 13. Exhibit 6 to REA's Motion for Admin Relief is also Exhibit 6 to REA's
22 Supplemental Reply and is a true and correct copy of excerpts of the Rough Transcript of the
23 April 23, 2012 Trial Testimony of Donald Stern in the litigation *Grail Semiconductor v.*
24 *Mitsubishi Electric & Electronics USA*, 1-07-cv-098590, Santa Clara County Superior Court (San
25 Jose, CA).

26 14. Exhibit 7 to REA's Motion for Admin Relief is also Exhibit 7 to REA's
27 Supplemental Reply and is also Exhibit 63 to the July 10th, 2012 Deposition of Donald Stern and

1 was designated as Confidential and therefore in accordance with Local Rules 7-11 and 79-5, has
2 been lodged with the Court under Administration Motion for the Courts permission to file under
3 seal.

4 15. Exhibit 8 to REA's Motion for Admin Relief is also Exhibit 8 to REA's
5 Supplemental Reply and is a true and correct copy of U.S. Pat. No. 5,596,529.

6 16. Exhibit 9 to REA's Motion for Admin Relief is also Exhibit 9 to REA's
7 Supplemental Reply and discloses information that was designated as Highly Confidential –
8 Attorney's Eyes Only and therefore in accordance with Local Rules 7-11 and 79-5, has been
9 lodged with the Court under Administration Motion for the Courts permission to file under seal.

10 17. Exhibit 10 to REA's Motion for Admin Relief is also Exhibit 10 to REA's
11 Supplemental Reply and is also Exhibit 67 to the July 10th, 2012 Deposition of Donald Stern and
12 was designated as Confidential and therefore in accordance with Local Rules 7-11 and 79-5, has
13 been lodged with the Court under Administration Motion for the Courts permission to file under
14 seal.

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17 I declare that pursuant to 28 U.S.C. §1746 and under penalty of perjury under the laws of
18 the United States of America that the foregoing is true and correct.

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20
21 Dated: July 16, 2012

By:

/s/ Peter G. Hawkins

Peter G. Hawkins

*One of the Attorneys for Defendant
Renesas Electronics America Inc.*